

REGISTER

South Dakota Legislative Research Council



Volume 28

Monday, 8:00 a.m., June 17, 2002

A COPY OF EACH REGISTER IS FILED IN THE OFFICE OF THE SECRETARY OF STATE

NOTICES OF PROPOSED RULES: (The date in parentheses is the date the rules were filed in the Legislative Research Council)

Department of Game, Fish and Parks: (June 10, 2002) intends to adopt an EMERGENCY rule to remove fees which may exclude persons visiting North Point Recreation Area solely for religious or cultural activities and purposes associated with burial grounds or human remains. The general authority for this rule, as cited by the department, is SDCL 41-17-1.1 and 41-17-13.4.

A copy of the rule may be obtained from John L. Cooper, Secretary, Foss Building, Department of Game, Fish and Parks, 523 East Capitol, Pierre, South Dakota 57501-2291.

Department of Social Services: (June 13, 2002) intends to suspend, on an EMERGENCY basis, a rule relating to the assessment of interest charges on unpaid support obligations and arrearages. The general authority for this rule, as cited by the department, is SDCL 1-26, 25-7A, and 28-7A.

A copy of the emergency rule may be obtained from Jill Wellhouse, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501.

Department of Commerce and Regulation: State Plumbing Commission: (June 17, 2002) intends to adopt rules to increase all license fees, revise licensing requirements for plumber apprentices, repeal certain sections in the National Standard Plumbing Code which deal with waste stacks serving kitchen sinks in single family dwellings, allow use of PVC plastic for

cold water distribution in livestock confinement facilities, no longer require self-closing faucets on lavatories in public places, repeal the requirement that bathroom facilities be made available to the public in all buildings other than dwelling units, water service piping in livestock confinement facilities, number of fixture units drained into certain size wet vents, wet venting for single bathroom groups, and location of dual check backflow preventer. The general authority for these rules, as cited by the commission, is SDCL 36-25-14, 36-25-15, 36-25-19, 36-25-22, and 36-25-24.

A public hearing will be held in the 2nd Floor Conference Room of the Commerce Building, 118 West Capitol Avenue, Pierre, South Dakota, on July 31, 2002, at 2:00 p.m. Copies of the proposed rules may be obtained from and written comments sent to the State Plumbing Commission, 118 West Capitol Avenue, Pierre South Dakota 57501. Written comments must be received by July 31, 2002, to be considered. A copy of the 1996 National Standard Plumbing Code may be obtained by sending a check or money order in the amount of \$75.00 to the State Plumbing Commission at the above address. Persons who have special needs for which the commission can make arrangements are asked to call (605) 773-3429 prior to the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Administrative Rules:

DEPARTMENT OF AGRICULTURE: AGRICULTURAL SERVICES: 12:05:01:01, 12:05:01:24, 12:05:01:25, 12:05:01:26,

12:05:01:43, 12:05:01:45; 12:05:02:01;
12:05:03:02 to 12:05:03:07, inclusive;
12:05:04:01 to 12:05:04:05, inclusive;
12:05:05:01 to 12:05:05:03, inclusive;
12:05:06:01 to 12:05:06:04, inclusive;
12:05:07:01 to 12:05:07:10, inclusive;
12:05:08:01; 12:05:09:01 to 12:05:09:03,
inclusive; 12:05:10:01; 12:05:11:01;
12:05:12:01, 12:05:12:02; 12:05:13:01; and
12:05:14:01 to 12:05:14:03, inclusive.

History-Notice: 28 SDR 145, April 15, 2002
Hearing: May 16, 2002
Filed: June 7, 2002
Effective: June 27, 2002

**DEPARTMENT OF ENVIRONMENT AND
NATURAL RESOURCES: BOARD OF
MINERALS AND ENVIRONMENT:**

74:36:18:01 to 74:36:18:12, inclusive.

History-Notice: 28 SDR 149, April 22, 2002
Hearing: May 16, 2002
Filed: June 11, 2002
Effective: July 1, 2002

DEPARTMENT OF REVENUE:

61:24:04:01, 61:24:04:02, 61:24:04:03;
64:01:01:19, 64:01:01:29, 64:01:01:42 to
64:01:01:51, inclusive; 64:02:01:03,
64:02:01:13; 64:03:01:02.01; 64:04:01:20,
64:04:01:26, 64:04:01:27, 64:04:01:28;
64:06:01:01, 64:06:01:02, 64:06:01:03,
64:06:01:03.01, 64:06:01:05, 64:06:01:07,
64:06:01:07.01, 64:06:01:07.02, 64:06:01:08,
64:06:01:08.01, 64:06:01:08.02,
64:06:01:08.03, 64:06:01:08.04, 64:06:01:09,
64:06:01:09.01, 64:06:01:15, 64:06:01:18,
64:06:01:20, 64:06:01:24, 64:06:01:29,
64:06:01:29.01, 64:06:01:29.02, 64:06:01:30,
64:06:01:31, 64:06:01:33, 64:06:01:33.01,
64:06:01:34, 64:06:01:35 to 64:06:01:35.05,
inclusive, 64:06:01:37, 64:06:01:39,
64:06:01:39.01, 64:06:01:39.02, 64:06:01:40,
64:06:01:41, 64:06:01:44, 64:06:01:45,
64:06:01:54, 64:06:01:55, 64:06:01:58,
64:06:01:60, 64:06:02:03, 64:06:02:06.02,
64:06:02:06.03, 64:06:02:10, 64:06:02:11,

64:06:02:21.01, 64:06:02:21.02,
64:06:02:34.05, 64:06:02:34.10, 64:06:02:75,
64:06:02:81, 64:06:02:84, 64:06:02:85,
64:06:02:86, 64:06:02:90 to 64:06:02:92,
inclusive, 64:06:03:00, 64:06:03:04,
64:06:03:23, 64:06:03:26, 64:06:03:37,
64:06:03:41.01, 64:06:03:46, 64:06:03:49,
64:06:03:51; 64:29:02:14; 64:30:02:05;
64:34:01:01, 64:34:01:01.01, 64:34:01:02,
64:34:01:03, and 64:34:01:04.

History-Notice: 28 SDR 153, April 29, 2002
Hearing: May 20, 2002
Filed: June 11, 2002
Effective: July 1, 2002

**DEPARTMENT OF GAME, FISH AND
PARKS:**

41:06:02:03, 41:06:19:04,
41:06:44:01, 41:06:44:02, 41:06:44:04;
41:07:05:02, and 41:07:06:03.01.

History-Notice: 28 SDR 149, April 22, 2002
Hearing: May 9, 2002
Filed: June 11, 2002
Effective: July 1, 2002

**DEPARTMENT OF COMMERCE AND
REGULATION: STATE ELECTRICAL**

COMMISSION: 20:44:14:01, 20:44:17:01, and
20:44:18:02.

History-Notice: 28 SDR 146, April 15, 2002
Hearing: May 21, 2002
Filed: June 11, 2002
Effective: July 1, 2002

DEPARTMENT OF SOCIAL SERVICES:

67:16:02:05.12.

History-Notice: 28 SDR 138, March 25, 2002
Hearing: April 15, 2002
Filed: June 13, 2002
Effective: July 3, 2002

DEPARTMENT OF SOCIAL SERVICES:

67:10:05:03, 67:10:05:04, 67:10:05:05;
67:11:01:03; and 67:46:04:13.

History-Notice: 28 SDR 154, April 29, 2002
 Hearing: May 16, 2002
 Filed: June 13, 2002
 Effective: July 3, 2002

DEPARTMENT OF SOCIAL SERVICES:
 67:13:04:09.

History-Notice: 28 SDR 166, May 28, 2002
 Hearing: N/A
 Filed: June 13, 2002
 Effective: June 13, 2002

Executive Order:

The Governor has filed Executive Order 02-03. It is in response to the drought conditions affecting the livestock industry. The Order, dated June 12, 2002, waives the fee for single trip movements of baled livestock feed and the annual baled fee permit. It also grants

permission to move overwidth baled livestock feed over any public highway of the state trunk system and the interstate highway system one-half hour after sunset to one-half hour before sunrise. The Order also sets width and height restrictions and requires certain warning lights to be visible to motorists. The provisions of the Order are not effective over the Fourth of July weekend and the Order expires September 1, 2002.

Note: A copy of the rules may be obtained directly from the above agencies. Write to the agency at the address given under "Notices of Proposed Rules." There is no charge for proposed rules. The following agencies have permission from the Interim Rules Review Committee to charge for adopted rules: the Division of Insurance, the Cosmetology Commission, the State Board of Examiners in Optometry, the State Plumbing Commission, the Board of Nursing, the Department of Social Services, the State Electrical Commission, the South Dakota Board of Pharmacy, the Real Estate Commission, the Gaming Commission, the Department of Commerce and Regulation for commercial driver licensing, the Department of Labor for Article 47:03, and the Department of Revenue.

REMINDER OF HEARINGS SCHEDULED

6-19-2002	Health	Cancer registry, fetal alcohol syndrome incidence; 28 SDR 165.
6-20-2002	Agriculture: State Fair	Prices for 2003 State Fair; 28 SDR 173.
6-27-2002	Transportation	Speed zones in Grant County, signs along interstate – Indian Reservations; 28 SDR 169.
6-27-2002	Education and Cultural Affairs: Board of Education	Standards and process for alternative teacher certification; 28 SDR 173.
7-9-2002	Agriculture: Agricultural Services	Sampling for verification of transgenic seed use; 28 SDR 169.
7-9-2002	Agriculture: Animal Industry Board	Cervid chronic wasting disease program; 28 SDR 173.
7-18-2002	Environment and Natural Resources: Board of Minerals and Environment	Requirements of hazardous waste facilities, add to hazardous waste list, land disposal restrictions, managing specific hazardous wastes; 28 SDR 165.
7-31-2002	Commerce and Regulation: Plumbing Commission	License fees, exceptions to conformation with national code, water piping to livestock facilities, public bathrooms, wet venting and number of fixture units, location of dual check backflow preventers; 28 SDR 177.

Rules Review Committee Meetings

The next meeting of the Interim Rules Review Committee will be held Tuesday, August 6 in Room 413 of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2002 interim: September 17, November 20, and January 6.

Agencies whose rules have had a public hearing will be scheduled to meet with the Rules Review Committee and are asked to have a representative present at the meeting to give background information on their rules.

Note: An updated version of the Administrative Rules Guide to Form and Style is now available at the LRC office and on the LRC web site.

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